

**TOWN OF SALEM
INLAND WETLANDS & CONSERVATION COMMISSION
REGULAR MEETING MINUTES
MONDAY, FEBRUARY 7, 2022 – 7:00 P.M.
SALEM TOWN HALL – CONFERENCE ROOM 1**

1. Call to Order

Vice Chairperson Khan-Bureau called the meeting to order at 7:05 p.m.

2. Roll Call/Seating of Alternates

Present were Chairperson Kimberley Bradley (*via speakerphone*), Vice-Chairperson Diba Khan-Bureau, Commissioners Jennifer Messervy, Jim Mulholland (7:13 p.m.) Edward Natoli, Jr., and Alternate Commissioner Jim Miller. Absent were Secretary Roger Phillips and Commissioner Dean Wojcik and Alternate Commissioners Larry Moore and Michael Smith. Also present was Wetlands Enforcement Officer (WEO) Matthew Allen.

Because Chairperson Bradley was not physically present for the meeting Vice-Chairperson Khan-Bureau was appointed to run the meeting.

M/S/C: Khan-Bureau/Natoli to seat Alternate Commissioner Miller for Full Member Commissioner Phillips. Discussion: None. Voice vote, 4-0, all in favor.

3. Approval of Agenda

M/S/C: Natoli/Messervy, to approve the Inland Wetlands & Conservation Commission Agenda for February 7, 2022, with the following additions:

Item 8, Old Business:

c. Harris Brook Bridge

d. As-of-Right Determination for the Woodland Warbler Preserve

Discussion: None. Voice vote, 5-0, all in favor.

4. Approval of Minutes:

a. January 3, 2022 Regular Meeting Minutes

M/S/C: Natoli/Messervy, to approve the Inland Wetlands & Conservation Commission Regular Meeting Minutes of January 3, 2022. Discussion: Due to confusion regarding the motion for item 6(b), Violation @ 89 Norwich Road, the motion will be clarified during this evening's meeting. Voice vote, 5-0, all in favor.

5. Public Comment – none; no public present

6. New Business – none

7. Public Hearing(s) – none

8. Old Business

a. Violation at 89 Norwich Road

ZWEO Allen stated the need to clarify the motion as stated in the Commission's January Meeting, per Section 14.4 of the Inland Wetlands and Watercourses Regulations. The options include:

1. Cease and Desist Order – mailed via certified mail, the Order requires a Show Cause Hearing within 10 days of the Order's date of issuance

Commissioner Mulholland entered the meeting at 7:13 p.m.

2. Notice of Violation – allows the responsible party to be summoned to a meeting and/or submit a permit

Based on the Commission's January meeting during which the First Selectman expressed his interest in addressing the issue, Chairperson Bradley felt, and Vice-Chairperson Khan-Bureau agreed, that a Notice of Violation would be adequate. Chairperson Bradley reported that she spoke with Darcy Winther, Connecticut Department of Energy and Environmental Protection (CT DEEP), Land & Water Resources Division, Bureau of Water Protection and Land Reuse, who recommended contacting the following individuals for advisement:

1. Ivonne Hall, CTDEEP Supervising Civil Engineer, Dam Safety Program, regarding any required permits for the placement of gravel on the dam,
2. Matt Goclowski, CTDEEP Fisheries Biologist, for an opinion regarding the maintaining or removal of gravel, and
3. National Park Service regarding the next steps

Commissioner Natoli felt that the plan was sound. Vice Chairperson Khan-Bureau agreed. Because the First Selectman stated that the gravel was placed on the dam in the interest of safety, Chairperson Bradley felt that the Commission should consider accepting a permit application by the town. She also recommended including the Commission's wish to host an educational workshop for the Public Works crew regarding the procedures that should be followed prior to conducting any work in or near wetland areas. The Commissioners agreed to issue a Notice of Violation and invite the First Selectman to attend their next meeting to discuss and agree upon a definitive plan to resolve the issue.

A brief discussion ensued regarding the utilization of the dam as a roadway. While the Commissioners felt that no one is utilizing the dam to cross the river at this time, they agreed that it should be clarified that the road is not utilized as a roadway until the issues are resolved. To the best of his knowledge, Commissioner Natoli reported that emergency personnel have found an alternative method of accessing the property.

M/S/C: Natoli/Khan-Bureau, to direct the Wetlands Enforcement Officer to issue a Notice of Violation for the deposition of gravel at 89 Norwich Road to the Town of Salem. Discussion: Chairperson Bradley recommended the letter describe the situation, as discussed, and request the First Selectman to attend their March Regular Meeting to discuss and resolve the Violation. Commissioner Messervy, who visited the dam subsequent to their last meeting, reported her findings. She stated that the beaver dam, located behind the earthen dam, is holding the water level at approximately 18" above the level of the dam. She also observed that water is flowing through the bottom of the dam, which appears to be bowing and failing, presenting a safety issue. While she believes that a violation did occur, the placement of the gravel does appear to be slowing down the erosion of the dam. She recommended the beaver dam be safely removed. Topographic maps indicate the location of the dam and the flow of the water down Frazier Brook, under Route 85, behind homes located on Woodland Drive, and into a marsh. Commissioner Miller expressed his concerns regarding the removal of the beaver dam, which, he felt is helping slow the overflow of water on Route 85. In addition, once the beaver dam is removed, other beavers would return and rebuild the dam. He suggested inquiring with the CTDEEP for advisement and gauging the impact of any actions they take. He also recommended consulting with CT DOT (Connecticut Department of Transportation) regarding its effects on the Route 85/82 culvert. Commissioner Natoli volunteered to speak with the Eightmile River Wild & Scenic Watershed Committee. Chairperson Bradley expressed her appreciation to Commissioner Messervy for her observations, noting the complexity of the issue. Commissioner Miller questioned the possibility of any available funds for the project should they need to remove the dam. Voice vote, 6-0, all in favor.

b. Plan of Conservation and Development (POCD)

Commissioner Khan-Bureau stated that Chairperson Bradley and herself have edited the document. She also received ten pages of recommended changes to the chapter from one of the Planning & Zoning Commissioners. Chairperson Bradley felt that several of the recommendations are not feasible due to the lack of staffing. The Commissioners agreed to discuss and finalize their contribution(s) to the POCD during their next meeting as the Conservation Commission.

c. Harris Brook Bridge

Commissioner Natoli reported that he reviewed the property between the Round Hill Road recreation fields and the bridge in question. He also attended the Recreation

Commission's January Meeting to discuss the Harris Brook Bridge, its placement, and future steps. The bridge remains as an unpermitted structure and the Recreation Commission is required to apply for a permit or obtain an As-of-Right Determination to remove and/or move the bridge and create a trail. The Recreation Commission is continuing its discussions.

d. As-of-Right Determination for the Woodland Warbler Preserve

Commissioner Natoli reported that the Salem Land Trust has installed a system to prevent the beavers from flooding the roadside at the Woodland Warbler Preserve, which requires an As-of-Right Determination. The Land Trust is also in the process of reinforcing the driveway that was washed out and is located within the buffer zone. WEO Allen will investigate the site.

9. Wetlands Enforcement Officer's Report

WEO Allen informed the Commission that a link to the CTDEEP's Municipal Inland Wetlands Agency Comprehensive Training Program was sent to the Commissioners. The Training is not required, but strongly recommended. The Training is self-paced, offered free of charge, and online.

10. Correspondence – *none*

11. Plus Deltas/Announcements

Commissioner Khan-Bureau distributed a Robert's Rules Cheat Sheet for the Commissioners. She felt that, following last month's meeting, it would be helpful for the Commissioners to review the rules and ensure an orderly and respectful meeting.

12. Adjournment

M/S/C: Natoli/Messervy, to adjourn the meeting at 8:15 p.m. Discussion: None. Voice vote, 6-0, all in favor.

Respectfully Submitted by:

Agnes T. Miyuki, Recording Secretary for the Town of Salem